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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA, SOUTHERN DIVISION**
10

11 JUSTIN FUENTES, CYNTHIA FUENTES
and ALEX MENDOZA,

12 Plaintiffs,

13 v.

14 PORTIER, LLC; PHUONG MINH DUONG;
15 DOES I through V; and BUSINESS
16 ENTITIES I through V, inclusive,

17 Defendants.

Case No. 2:22-cv-00731-RFB-VCF

**DEFENDANT PORTIER, LLC'S
STATEMENT REGARDING REMOVAL**

Trial Date: None Set

18
19 COMES NOW, Defendant, PORTIER, LC ("Defendant"), by and through its counsel of
20 record, WOOD, SMITH, HENNING & BERMAN, LLP, and hereby submits the following
21 Statement Regarding Removal.

22 1. The date(s) on which you were served with a copy of the complaint in the removed
23 action.

24 ANSWER: On or about April 6, 2022, Defendant Portier, LLC's Registered Agent
25 accepted service of the Plaintiffs' Complaint in the State Court Action. 2. The date(s) on which
26 you were served with a copy of the summons.

27 ANSWER: On or about April 6, 2022, Defendant Portier, LLC's Registered Agent
28 accepted service of the Plaintiffs' Complaint in the State Court Action.

1 3. In removals based on diversity jurisdiction, the names of any served Defendants who
2 are citizens of Nevada, the citizenship of the other parties and a summary of Defendant's evidence
3 of the amount in controversy.

4 ANSWER: Complete diversity exists between the parties. Plaintiffs allege in their
5 Complaint that they are residents of the State of California. Defendant, Phuong Minh Duong, is a
6 resident of the State of Nevada. Portier, LLC is a Delaware limited liability company doing business
7 in the State of Nevada.

8 Plaintiff JUSTIN FUENTES is alleged to have suffered injuries to his head/brain with
9 related motor problems and memory loss with an anticipated traumatic brain injury claim, a
10 lacerated kidney, lacerated right knee, rib pain, lower back pain and testicular injury. Medical
11 specials were \$120,129.65 as of May 21, 2021. Plaintiff ALEX MENDOZA allegedly suffered
12 injuries to his back, head/brain (with possible traumatic brain injury claims) and a fracture of the
13 left clavicle. His past medical specials of \$63,310.81 as May 21, 2021. The foregoing past medical
14 specials for Plaintiffs FUENTES and MENDOZA do not include the additional claims for past and
15 future pain and suffering and lost wages which Defendant reasonably expect Plaintiffs will assert in
16 this matter. Plaintiff Cynthia Fuentes is bringing a loss of consortium claim. Defendant does not
17 have specific information on this Plaintiff's damages, however, given the injuries claimed by her
18 husband, Plaintiff Justin Fuentes, Defendant reasonably believes this claim also exceeds the amount
19 in controversy threshold.

20 4. If your notice of removal was filed more than thirty (30) days after you first received
21 a copy of the Summons and Complaint, the reason removal has taken place at this time and the date
22 you first received a paper identifying the basis for removal.

23 ANSWER: Not applicable.

24 5. In actions removed on the basis of this Court's jurisdiction in which the action in
25 state court was commenced more than one year before the date of removal, the reasons this action
26 should not summarily be remanded to the State Court.

27 ANSWER: Not applicable.

28 6. The name of any defendant known to have been served before you filed the notice of

1 removal who did not formally join in the notice of removal and the reasons they did not.

2 ANSWER: It is unknown if Plaintiff has effected service on Defendant PHUONG MINH
3 DUONG.

4 DATED: May 24, 2022

WOOD, SMITH, HENNING & BERMAN LLP

6 By: /s/ Laura R. Bown

7 JANICE M. MICHAELS

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9 LAURA R. BOWN

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2022, a true and correct copy of **DEFENDANT PORTIER, LLC'S STATEMENT REGARDING REMOVAL** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Johana Whitbeck
Johana Whitbeck, an Employee of
WOOD, SMITH, HENNING & BERMAN LLP

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